



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,008	03/12/2001	Kenichi Iida		8306

7590 07/28/2005
Jay H. Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,008

Applicant(s)

IIDA, KENICHI

Examiner

Xu Mei

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13-17, 28, 29-30 (claims 29-30 are original claims 5-6) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 13-17 and 28, 30 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/924,091.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2644

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 03/12/2001.

2. Claims 1 and 5-6 are objected to because of the following informalities:

Claims 5-6 are indicated as **both amended and cancelled** in Preliminary Amendment dated 03/12/2001. Appropriate correction is required (see 37 CFR 1.126). The following office action treating claims 5-6 as renumbered claims 29-30.

In Claim 1, line 4, a semi-colon is missing after "recorded". It appears should be -recorded;--. Correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2644

4. Claims 1, 13-17, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Okano et al. (US-5,774,863, hereinafter, Okano).

Regarding claims 1, 17 and 28, Okano teaches a recording and/or reproducing apparatus (Figs. 1, 2B) comprising: a storage section 22 (i.e., solid memory or semiconductor memory) for storing a plurality of audio programs or audio signals to be recorded (plurality of digital speech data to be recorded from a microphone input); selecting means for selecting a digital audio program from the plurality of digital audio programs stored in the storage means (see Figs. 4D, 4E, 4N, col. 4, lines 20-31 and col. 8, lines 22-49 for selecting and playback selected recorded speech data); wherein audio signals are written and from which written signals stored in the storage section are read out; an input operating section (operation input section 28) for writing (recording) the output signals of the microphone in the storage section, for reading out (reproducing) the written signals stored in the storage section and for erasing the written signals stored in the storage section (Figs. 6A, 6B, for example); a control section (cpu 20) for controlling the writing of the output signals of the microphone in the storage section based on an input (recording switch 28D) from the operating section and for controlling readout (reproduction

Art Unit: 2644

switch 28L) of the written signals stored in the storage section; the control section operating so that when the written signals stored in the storage section are read out therefrom, an input for erasure (28G or 28I or 28F in overwrite mode) is entered by the input operating section, and wherein the control section controls the written signals (recorded signals) to be erased when an input for erasure is entered by the input operating section during reading out of the written signals from the storage section (Figs. 8A and 8B shown the recording and reproducing apparatus under reproducing mode, i.e., reading out recorded signals, and steps S426 and S429 is entered/switched for partial erasing or whole letter erasing during the apparatus is under the reproducing mode). And the written signals being read out from the storage section are erased when, after reading out the written signals from the storage section for a pre-set period, the input for erasure is again entered from the input operation during reading out of the stored signals (this can be read by user choose/pre-set to erase the partial read/listened written signals or the entire read/listened written signals during the reproducing mode, after a certain time period as desired by the user by presetting a specific time period for erasing); as per claim 28.

Regarding claim 30, see col. 7, lines 26-43.

Art Unit: 2644

For what's called for in claim 13, see Figs. 4k-4L and their descriptions in cols. 6-7.

For what's called for in claim 16, see elements 16B and 16C of Fig. 1.

Regarding claims 14-15, the recording and/or reproducing apparatus as discussed in claim 1 above further shows a display section 30 for displaying information corresponding to the written signals stored in the storage section; and an illuminating section for illuminating the displaying section (this can be read on as all the segment views of the LCD 30 of Fig. 3 is being illuminated for the display section to display all the information); and the control section causes the illuminating section to illuminate the display section for a pre-set time based on an input from the input operating section (this can be read when an erasing range is set for partial erasing of the written signal that is controlled by the control section, the display section is illuminated for that pre-set erasing range, i.e., pre-set time, by the illuminating section).

5. Claims 2-4 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2644


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iida is made of record here as pertinent art to the claimed invention. Iida discloses an audio recording and reproducing apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Xu Mei
Primary Examiner
Art Unit 2644
07/20/2005